IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 1163 OF 2005

The State of Maharashtra .. Applicant

Vs.

Ramesh Balu Madane .. Respondent

Mr. V.B. Konde-Deshmukh, APP for Applicant.
Mr. Shrikant Yada h/f Mr. Dilip Bodke for Respondent.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 28, 2006.

P.C.:

1. Heard Mr. Konde-Deshmukh, the learned APP.

2. The State has filed an appeal against the order of acquittal dated 30/9/2003 passed by the learned IVth Additional Sessions Judge, Satara in Sessions Case No.89 of 2002.

3. We have perused the depositions of P.W.6 Salma and considered the circumstances brought on record by the prosecution regarding the bicycle and its missing parts through the evidence of P.W.5, P.W.8, P.W.10 and P.W.11. We are satisfied that the reasoning set out by the trial court requires reconsideration and hence leave to appeal under Section 378(3) of Cr.P.C. is hereby granted.

4. Appeal admitted.

5. Action under Section 390 of Cr.P.C. to follow. Compliance report by the concerned Sessions Court be submitted to the Registry of this court within two months.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**